

FILED

June 21, 2022

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: Michael Trujillo
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

BRANDON CALLIER,

Plaintiff,

v.

THE DESIGN LAZA, INC

Defendants.

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**EP-21-CV-213-KC**

**AFFIDAVIT IN SUPPORT OF REQUEST FOR DEFAULT JUDGMENT FOR SUM  
CERTAIN and STATEMENT OF AMOUNT DUE**

I, Brandon Callier, being duly sworn, state as follows:

1. I am the Plaintiff, Pro Se, in the above-entitled action and I am familiar with the file, records, and pleadings in this matter.
2. The amount due in this action is:
  - a. \$500 in statutory damages for each of 17 § 227(b) violations pursuant to 47 U.S.C. § 227(b)(3)(B); and
  - b. \$500 in statutory damages for each of 17 § 227(c) violations pursuant to 47 U.S.C. § 227(c)(5)(B); and
  - c. \$1500 in statutory treble damages for each of 19 § 227(b) knowing and willful violations pursuant to 47 U.S.C. § 227(b)(3)(B); and
  - d. \$1,500 in statutory treble damages for each of 19 § 227(c) knowing and willful violations pursuant to 47 U.S.C. § 227(c)(5)(B).For a total of \$74,000.00
3. This action was filed on or about September 13, 2021. Proof of service documents duly filed in the docket of this case show that the Defendant was served with the Summons and Complaint in this action more than twenty (20) days ago, that Defendant is not in military service, or an infant, or incompetent.



4. Defendant did not answer or otherwise appear in the above-entitled action and the time to do so has lapsed.
5. Plaintiff Callier sued Defendant The Design Laza, Inc., Cause number EP-21-CV-0213, on September 13, 2021.
6. Defendant The Design Laza, Inc. was duly served this complaint on September 17, 2021.
7. On August 10, 2021, Plaintiff informed Defendant he was not interested and not to call anymore. Plaintiff's Original Complaint ¶ 31.
8. From August 10, 2021, forward Defendants was on notice Plaintiff did not want their unsolicited robocalls.
9. From August 11, 2021, to September 7, 2021 Defendants sent Plaintiff 19 robocalls.
10. Each and every call and text message from August 11, 2021, to September 7, 2021, were knowing and willful Telephone Consumer Protection Act violations subject to treble damages.
11. Pursuant to Federal Rule 55(a) of the Federal Rules of Civil Procedure, the Clerk of the Court entered a Certificate of the Entry of Default against Defendant The Design Laza, Inc on April 8, 2022.
12. Upon information and belief, the amount due of \$74,000 is justly due and owing and no part thereof has been paid except as herein set forth.
13. The disbursements set forth in this affidavit and sought to be taxed have been made in the action or will necessarily be made or incurred therein.

Dated June 21, 2022

Sworn to and subscribed before

Me this 21<sup>st</sup> day of June,

2022

Mabel Arredondo

Notary Public

My Commission Expires: 4/20/2023

Brandon Callier

Brandon Callier  
Plaintiff, Pro-se

